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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,692	08/20/2003	Paul Szabo	08204/1200311-US2	6716
38878	7590	10/30/2007		
F5 Networks, Inc. c/o DARBY & DARBY P.C. P.O. BOX 770 Church Street Station NEW YORK, NY 10008-0770			EXAMINER SALAD, ABDULLAHI ELM I	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 10/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/644,692

Applicant(s)

SZABO ET AL.

Examiner

Salad E. Abdullahi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-30 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/16/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

Response

1. The Terminal Disclaimer filed 9/10/2007 has been received and made of record.
2. upon further reviewing of the claims new grounds of rejection is made here.

Examiner is sorry any burden it bears to the applicant.

3. This application has been reviewed. Original claims 1-30 are pending. The rejection cited stated below.

Allowable Subject Matter

4. Claims 6 and 7 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5 and 8-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Albert et al., U.S. Patent No. 6,742,045 [hereinafter Albert].

As per claims 1, Albert disclose Original) An apparatus for routing packets over a network, the packets comprising a first packet type and a second packet type, wherein each packet of the first packet type has a corresponding packet of the second packet

type, the apparatus comprising:

(a) a transceiver (forwarding agent 1) configured to receive and to forward each packet (see fig .2a and col. 9, lines 15-48); and

(b) a processor (service manager 10), coupled to the transceiver, that is arranged to perform actions, including:

if the received packet is of the first packet type, forwarding the received packet to a first traffic manager that is selected based on at least a first field in the received packet (see col. 14, lines 37-60); and

if the received packet is of the second packet type, forwarding the received packet to a second traffic manager that is selected based on at least a second field in the received packet, wherein the first traffic manager is the same as the second traffic manager when the received packet of the first packet type corresponds to the received packet of the second packet type (see fig. 10i and col. 25, lines 12-26).

As per claims 2 and 3, Albert discloses the apparatus of claim 1, wherein the first field of the first packet type includes a first value substantially equivalent to a second value in the second field of a corresponding packet of the second packet type (see col. 7, lines 26-40).

As per claim 4 and 5 Albert discloses the apparatus of claim 1, further comprising determining the packet type of the received packet in part by comparing a source port number with a destination port number col. 25, lines 12-26).

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As per claim 8, Albert discloses the apparatus of claim 1, wherein the processor is arranged to perform actions, further comprising, if the received packet is other than a TCP packet or a User Datagram Protocol (UDP) packet, forwarding the received packet to a third traffic manager that is selected using the first field and the second field in the received packet (see col. 18, lines 47-67).

As per claim 9, Albert discloses the apparatus of claim 1, wherein the apparatus is arranged to operate as at least one of a distributor, a router, a bridge, a firewall, and a gateway (see fig. 1).

As per claims 10, Albert discloses the apparatus of claim 1, wherein the processor is arranged to perform actions, further comprising, if the received packet is associated with a pre-determined group characteristic, selecting the first traffic manager and the second traffic manager from a plurality of traffic managers that are partitioned into groups of traffic managers based in part on the pre-determined group characteristic (see fig. 10i and col. 25, lines 12-26).

As per claim 11, Albert discloses the apparatus of claim 10, wherein the pre-determined group characteristic further comprises at least one of a Secure Socket Layer (SSL) packet, Domain Name System (DNS) packet, and a UDP packet (see fig. 8c and col. 20, lines 10-15).

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E. Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

As
10/27/2007


ABDULLAH SALAD
PRIMARY EXAMINER